

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27A-4 as follows:

6 (105 ILCS 5/27A-4)

7 Sec. 27A-4. General Provisions.

8 (a) The General Assembly does not intend to alter or amend
9 the provisions of any court-ordered desegregation plan in
10 effect for any school district. A charter school shall be
11 subject to all federal and State laws and constitutional
12 provisions prohibiting discrimination on the basis of
13 disability, race, creed, color, gender, national origin,
14 religion, ancestry, marital status, or need for special
15 education services.

16 (b) The total number of charter schools operating under
17 this Article at any one time shall not exceed 120. Not more
18 than 70 charter schools shall operate at any one time in any
19 city having a population exceeding 500,000 and not more than 45
20 charter schools shall operate at any one time in the remainder
21 of the State, with not more than one charter school that has
22 been initiated by a board of education, or by an
23 intergovernmental agreement between or among boards of

1 education, operating at any one time in the school district
2 where the charter school is located. In addition to these
3 charter schools, up to but no more than 5 charter schools
4 devoted exclusively to re-enrolled high school dropouts may
5 operate at any one time in any city having a population
6 exceeding 500,000. Notwithstanding any provision to the
7 contrary in subsection (b) of Section 27A-5 of this Code, each
8 such dropout charter may operate up to 15 campuses within the
9 city. Any of these dropout charters may have a maximum of 1,875
10 enrollment seats, any one of the campuses of the dropout
11 charter may have a maximum of 165 enrollment seats, and each
12 campus of the dropout charter must be operated, through a
13 contract or payroll, by the same legal entity as that for which
14 the charter is approved and certified.

15 For purposes of implementing this Section, the State Board
16 shall assign a number to each charter submission it receives
17 under Section 27A-6 for its review and certification, based on
18 the chronological order in which the submission is received by
19 it. The State Board shall promptly notify local school boards
20 when the maximum numbers of certified charter schools
21 authorized to operate have been reached.

22 (c) No charter shall be granted under this Article that
23 would convert any existing private, parochial, or non-public
24 school to a charter school.

25 (d) Enrollment in a charter school shall be open to any
26 pupil who resides within the geographic boundaries of the area

1 served by the local school board, provided that the board of
2 education in a city having a population exceeding 500,000 may
3 designate attendance boundaries for no more than one-third of
4 the charter schools permitted in the city if the board of
5 education determines that attendance boundaries are needed to
6 relieve overcrowding or to better serve low-income and at-risk
7 students. Students residing within an attendance boundary may
8 be given priority for enrollment, but must not be required to
9 attend the charter school.

10 (e) Nothing in this Article shall prevent 2 or more local
11 school boards from jointly issuing a charter to a single shared
12 charter school, provided that all of the provisions of this
13 Article are met as to those local school boards.

14 (f) No local school board shall require any employee of the
15 school district to be employed in a charter school.

16 (g) No local school board shall require any pupil residing
17 within the geographic boundary of its district to enroll in a
18 charter school.

19 (h) If there are more eligible applicants for enrollment in
20 a charter school than there are spaces available, successful
21 applicants shall be selected by lottery. However, priority
22 shall be given to siblings of pupils enrolled in the charter
23 school and to pupils who were enrolled in the charter school
24 the previous school year, unless expelled for cause, and
25 priority may be given to pupils residing within the charter
26 school's attendance boundary, if a boundary has been designated

1 by the board of education in a city having a population
2 exceeding 500,000. Dual enrollment at both a charter school and
3 a public school or non-public school shall not be allowed. A
4 pupil who is suspended or expelled from a charter school shall
5 be deemed to be suspended or expelled from the public schools
6 of the school district in which the pupil resides.
7 Notwithstanding anything to the contrary in this subsection
8 (h), any charter school with a mission exclusive to educating
9 high school dropouts may restrict admission to students who are
10 high school dropouts.

11 (i) (Blank).

12 (j) Notwithstanding any other provision of law to the
13 contrary, a school district in a city having a population
14 exceeding 500,000 shall not have a duty to collectively bargain
15 with an exclusive representative of its employees over
16 decisions to grant or deny a charter school proposal under
17 Section 27A-8 of this Code, decisions to renew or revoke a
18 charter under Section 27A-9 of this Code, and the impact of
19 these decisions, provided that nothing in this Section shall
20 have the effect of negating, abrogating, replacing, reducing,
21 diminishing, or limiting in any way employee rights,
22 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
23 14, and 15 of the Illinois Educational Labor Relations Act.

24 (Source: P.A. 96-105, eff. 7-30-09.)